

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

V.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

CIVIL ACTION

NO. 04-CV-325 (ERIE)

Judge Sean J. McLaughlin

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Plaintiff's Motion *in Limine* to Preclude Evidence That Defendant's Profits Should Be Reduced by Indirect or Allocated Manufacturing Overhead Costs and Losses, it is hereby ORDERED that the Motion is GRANTED. Defendant hereby is and shall be precluded from offering at trial any and all evidence and/or references to its indirect costs or allocated manufacturing overhead and losses.

BY THE COURT:

McLaughlin, J.